

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIE LANDSMAN, on behalf of herself and	:
her minor child, J.L.,	:
	:
<i>Plaintiffs,</i>	:
	:
-against-	:
	:
DAVID C. BANKS et al.,	:
	:
<i>Defendants.</i>	:
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PAUL A. CROTTY, United States District Judge:	

23-cv-6404 (PAC)
ORDER

In a letter dated September 11, 2023, Plaintiff requests that I recuse myself pursuant to 28 U.S.C. § 455 because my niece, Theresa Crotty, Esq., is a Legal Advisor to the Defendants' Impartial Hearing Order Implementation Unit.

28 U.S.C. § 455 describes situations where a judge should recuse himself or herself. Section 455(a) requires a judge to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned." More specifically, § 455(b)(5) requires a judge to recuse himself if a person within the third-degree of relationship to the judge is a party or an officer, director, or trustee of a party to the proceeding; is acting as a lawyer in the proceeding; is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or, to the judge's knowledge, is likely to be a material witness in the proceeding. Plaintiff avers that my impartiality might possibly be questioned because my niece, a relation within the third-degree, advises the specific office responsible for implementing administrative orders under the IDEA.

My niece falls squarely outside the ambit of § 455(b)(5). She is not a party or a lawyer in this matter. Neither is she an officer, director, or trustee of Defendants. She has no interest which

could be substantially affected by the outcome of this matter, and there is nothing to suggest that she is likely to be a material witness. Nevertheless, the Court's impartiality should be beyond reproach. To avoid the potential appearance of impropriety, the Court hereby recuses itself from this action pursuant to 28 U.S.C. § 455. The Court also vacates its Order denying Plaintiff's request for Preliminary Injunction. All hearing dates presently scheduled before the Court are vacated. The Clerk will please assign this case to another judge in this district.

Dated: New York, New York
September 12, 2023

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty", written over a horizontal line.

HONORABLE PAUL A. CROTTY
United States District Judge